

LAND USE COMMISSION
STATE OF HAWAI'I
Hearing held on June 22, 2021
Commencing at 9:02 a.m

Held via ZOOM by Interactive Conference Technology

I. Call to order

II. Adoption of Minutes

III. Tentative Meeting Schedule

IV. ADOPTION OF ORDER

SP06-400 Pohakea Quarry (Maui)

To Consider Order for Hawaiian Cement Pohakea
Quarry Application for 15-year Time Extension
Request for Special use Permit to Continue
Operation of Pohakea Quarry in the State and
County Agricultural District at Ma'alaea,
Island of Maui, Hawai'i, TMK: (2)3-6-004:007
(SUP1 2006/0001) (CUP 2006/0001)

V. Discussion on Election of Officers and Action
(If Necessary)

VI. EXECUTIVE SESSION

Pursuant to HRS section 92-5(a)(2) to consider
matters where considerations of matters
affecting privacy will be involved

VII. Adjournment

Before: Jean Marie McManus, Hawaii CSR #156

1 APPEARANCES:

2 JONATHAN LIKEKE SCHEUER, Chair (Oahu)
3 NANCY CABRAL, Vice Chair (Big Island)
4 EDMUND ACZON, Vice Chair (Oahu)
5 LEE OHIGASHI (Maui)
6 ARNOLD WONG (Oahu)
7 DAWN CHANG (Oahu)
8 DAN GIOVANNI (Kauai)
9 GARY OKUDA (Oahu)

10 STAFF:

11 LINDA CHOW, ESQ.
12 Deputy Attorneys General
13
14 DANIEL ORODENKER, Executive Officer
15 RILEY K. HAKODA, Chief Clerk
16 SCOTT DERRICKSON, Chief Planner
17 NATASHA A. QUINONES, Program Specialist
18
19 ALISON KATO, ESQ.
20 Deputy Attorney General
21 RODNEY FUNAKOSHI, Planning Program Administrator
22 AARON SETOGAWA, Planner
23 State Office of Planning
24 State of Hawaii
25
26 JORDON HART, Deputy Director
27 Department of Planning
28 For Maui County
29
30 BRYAN ESMERALDA
31 For Hawaiian Cement

1 CHAIRPERSON SCHEUER: It's 9:02 A.M.

2 Aloha mai kakou. Good morning.

3 This is the June 22, 2021 Land Use
4 Commission Meeting which is being held using
5 interactive conference technology linking
6 videoconference participants and other interested
7 individuals of the public via the ZOOM webinar
8 platform.

9 In order to comply with continuing State
10 and County operational directives during the COVID-19
11 pandemic, members of the public are able to view the
12 meeting via the ZOOM webinar platform.

13 As I said many times, make sure you speak
14 slowly, clearly and directly into your microphone,
15 and if you can remember to introduce yourself before
16 speaking, that is also a help.

17 Please keep in mind this meeting is being
18 recorded. Your continued participation is your
19 implied consent to be part of the digital record of
20 this meeting. If you do not wish to be part of the
21 digital record of this meeting, you should leave the
22 meeting now.

23 This conferencing technology allows the
24 Parties and each participating Commissioner
25 individual remote access to the meeting via our own

1 personal digital devices. Because of that, please
2 keep in mind that at any given time one or more
3 members of the meeting may experience difficulty
4 receiving audio or visual signals or both. If this
5 happens, please let us know, and please be patient as
6 we try to restore connectivity so we can do business
7 during the pandemic.

8 We have only a limited number of items
9 today that might require or offer the opportunity for
10 public testimony. But for those, if you wish to
11 speak during that time, use the raise-your-hand
12 function in the attendee meeting room. And when you
13 do so, I will let you in to testify. There's nobody
14 right now who is calling in by phone.

15 I expect this to be hopefully a short
16 meeting, but I will try and take breaks approximately
17 ten minutes every hour, if those are necessary.

18 My name is Jonathan Likeke Scheuer, and I
19 currently have the pleasure and honor of serving as
20 the Chair of the Land Use Commission. Along with me,
21 Commissioner Edmund Aczon, Commissioner Gary Okuda,
22 Arnold Wong, Dawn Chang, are all on the Island of
23 Oahu, along with our small but dedicated staff, the
24 LUC Executive Officer, Daniel Orodener, our Chief
25 Planner, Scott Derrickson, our Chief Clerk, Riley

1 Hakoda, our Deputy Attorney General, our Program
2 Specialist, Natasha Quinones, and our Court Reporter
3 Jean McManus. Commissioner Lee Ohigashi is on the
4 Island of Maui, Commissioner Dan Giovanni is on the
5 Island of Kauai, and Commissioner Nancy Cabral is on
6 Hawaii Island, and dressed impeccably, as is Ed
7 Aczon, I might add.

8 We currently have eight seated
9 Commissioners out of a possible nine.

10 Our first order of business is adoption of
11 the minutes for June 9th and 10th.

12 Mr. Derrickson or Mr. Hakoda, has there
13 been any written testimony offered on adoption of the
14 minutes?

15 CHIEF CLERK: Chair, this is Riley. No
16 testimony received. However, minutes are not ready
17 for those minutes.

18 CHAIRPERSON SCHEUER: Okay. So we will
19 defer adoption of the minutes until our next meeting.

20 With that said, our next agenda item is the
21 tentative meeting schedule. Mr. Orodener.

22 EXECUTIVE OFFICER: Thank you, Mr. Chair.
23 There no further meetings in June.

24 And July, July 14th we will taking up the
25 Kula Ridge Order to Show Cause matter on Maui. We

1 believe we will be able to do that virtually.

2 Upcoming there will two declaratory rulings
3 which are not scheduled specifically yet, but we
4 expect to take them up on the 25th and 26th of
5 August. Those will have to be in person. As our
6 understanding is that the Governor's exemption,
7 proclamation requirements will expire at the
8 beginning of August. They will be the Church DR and
9 the Chipchase DR, both are declaratory ruling with
10 regard to boundary amendments.

11 Beyond that, we are still awaiting a return
12 to discussion of the Important Agricultural Lands
13 designation, Kihei High School will be scheduled
14 sometime. That's all we have right now.

15 CHAIRPERSON SCHEUER: Thank you, Dan.

16 Commissioners, are there any questions for
17 Mr. Orodenker about the tentative meeting schedule?

18 Commissioner Giovanni.

19 COMMISSIONER GIOVANNI: Any indication of
20 the location for the in-person meetings in August?

21 CHAIRPERSON SCHEUER: Mr. Orodenker.

22 EXECUTIVE OFFICER: Those will both be in
23 Hilo.

24 COMMISSIONER GIOVANNI: Hilo? Thank you.

25 EXECUTIVE OFFICER: Actually, I can't

1 guarantee that. That depends on if there's
2 availability. We may end up having (indecipherable).

3 CHAIRPERSON SCHEUER: The current intention
4 is Hilo, okay. Nancy Cabral is excited.

5 Commissioners, any further questions?
6 Seeing none, our next agenda item is Docket SP06-400
7 Pohakea Quarry (Maui) To Consider Hawaiian Cement
8 Pohakea Quarry's Application for 15-year Time
9 Extension Request for Special Use Permit to Continue
10 Operation of the Pohakea Quarry in the State and
11 County Agricultural Districts at Ma'alaea, Island of
12 Maui, Hawaii; TMK (2)3-6-004, Lot 007, (Special Use
13 Permit 2006/001) (CUP 2006/0001).

14 Will the parties please identify yourself
15 for the record, beginning with the Applicant, Mr.
16 Esmeralda.

17 MR. ESMERALDA: Good morning, Chair. This
18 is Bryan Esmeralda representing Hawaiian Cement.

19 CHAIRPERSON SCHEUER: Are you able to go on
20 video, Mr. Esmeralda?

21 MR. ESMERALDA: One second.

22 CHAIRPERSON SCHEUER: Thank you.

23 County of Maui?

24 MR. HART: Jordan Hart on behalf of County
25 of Maui.

1 CHAIRPERSON SCHEUER: Office of Planning?

2 MS. KATO: Good morning. Alison Kato,
3 Deputy Attorney General for Office of Planning. Also
4 Rodney Funakoshi and Aaron Setogawa from the Office
5 of Planning.

6 CHAIRPERSON SCHEUER: Thank you very much.
7 Before we continue, let me update the record.

8 On June 9th, 2021, the Commission met via
9 ZOOM technology to hear action on this matter.

10 On June 15th the Commission mailed the
11 meeting agenda for today's meeting to the parties in
12 this docket, and to the Statewide and County mailing
13 lists.

14 Our procedures today will be brief. I will
15 first call for any written public testimony that has
16 been submitted. I will then offer the opportunity
17 for any member of the public to testify on the
18 Adoption of the Order.

19 Following that, I will close public
20 testimony. And the Commission will conduct
21 deliberations and issue a decision on the form of the
22 order for the Special Permit Extension.

23 Any questions for our proceedings for
24 today, Mr. Esmeralda?

25 MR. ESMERALDA: No questions, Chair, thank

1 you.

2 CHAIRPERSON SCHEUER: Mr. Hart.

3 MR. HART: No questions.

4 MS. KATO: No questions, thank you.

5 CHAIRPERSON SCHEUER: Commissioners?

6 I was not informed of any written testimony
7 related to this matter that's been submitted since
8 our last meeting. Has there been any, Mr. Hakoda or
9 Mr. Derrickson?

10 CHIEF CLERK: We did receive late testimony
11 from Penny Levin, Wailuku, Maui on the quarry matter.

12 CHAIRPERSON SCHEUER: That's posted to the
13 website and part of the record on this procedure.

14 Are there any members of the public who
15 wish to testify on the proposed Adoption of the Order
16 on this matter? If so, please use the
17 raise-your-hand function, and I will admit you to be
18 a panelist. No public testimony on this matter. Use
19 the raise-your-hand function if you do. Seeing none.
20 There's no public testimony on this matter.

21 Having taken action on this matter, the
22 Commission can now enter into formal deliberations on
23 whether to deny or grant the Form of the Order on
24 this matter.

25 One moment. Just brief recess.

1 (Recess taken.)

2 CHAIRPERSON SCHEUER: Thank you for that.

3 I want to give the opportunity for any of
4 the parties to make any statement prior to our
5 deliberations.

6 Any final statement, Mr. Esmeralda?

7 MR. ESMERALDA: No, no final statement from
8 us, Chair, thank you.

9 CHAIRPERSON SCHEUER: County?

10 MR. HART: No further statements.

11 MS. KATO: No statements, thank you.

12 CHAIRPERSON SCHEUER: We will now enter
13 into final deliberations, formal deliberations on
14 this matter. For all the parties and members of the
15 public, I'll note during the deliberations no
16 additional input from the parties or public unless
17 somebody is specifically called upon to do so by the
18 Chair, in which case I would ask your comments be
19 limited to the question at hand.

20 Commissioners, let me confirm that each of
21 you have reviewed the record and are prepared to
22 deliberate on the subject docket today.

23 After I call your name, please signify with
24 either an "aye" or "nay" that your prepared to
25 deliberate.

1 Commissioner Aczon?

2 VICE CHAIR ACZON: Aye.

3 CHAIRPERSON SCHEUER: Commissioner Chang?

4 COMMISSIONER CHANG: Aye.

5 CHAIRPERSON SCHEUER: Commissioner Cabral?

6 Commissioner Cabral, are you prepared to
7 deliberate on this matter? You're muted.

8 VICE CHAIR CABRAL: Yes, yes, I am, yes.

9 CHAIRPERSON SCHEUER: You're prepared to
10 deliberate?

11 VICE CHAIR CABRAL: Yes, I am prepared.

12 CHAIRPERSON SCHEUER: Commissioner
13 Giovanni?

14 COMMISSIONER GIOVANNI: Aye.

15 CHAIRPERSON SCHEUER: Commissioner
16 Ohigashi?

17 COMMISSIONER OHIGASHI: Yes.

18 CHAIRPERSON SCHEUER: Commissioner Okuda?

19 COMMISSIONER OKUDA: Yes.

20 CHAIRPERSON SCHEUER: Commissioner Wong?

21 COMMISSIONER WONG: Yes.

22 CHAIRPERSON SCHEUER: As the Chair, I'm
23 also prepared to deliberate on this matter.

24 Commissioners, I will entertain a motion
25 that the LUC accepts or does not accept the Form of

1 the Order before us. The motion should state the
2 reasons for acceptance or nonacceptance and any other
3 reasons for voting for it.

4 Commissioners, what is your pleasure?

5 Commissioner Wong.

6 COMMISSIONER WONG: Chair, I would like to
7 make a motion to grant the Adoption of the Order for
8 this Pohakea Quarry, and the reason for that is we
9 went through a very lengthy discussion on this issue
10 and heard the public's testimony on this, as the
11 Petitioner and the Maui County and OP, and I feel
12 that after all this discussion, everything went
13 through, that I think we should adopt this order.

14 CHAIRPERSON SCHEUER: Is there a second?
15 Commissioner Cabral.

16 VICE CHAIR CABRAL: Yes, I will go ahead
17 and second Commissioner Wong's motion. And I agree,
18 we heard so much testimony last time, and I know
19 there is some opposition in that, but at the same
20 time I think there is hopeful assurances that the
21 land will be returned to something that can become at
22 least not disastrous, if not agriculturally viable is
23 an important feature of the proposal. Thank you.

24 CHAIRPERSON SCHEUER: Commissioners, any
25 further discussion?

1 Commissioner Ohigashi.

2 COMMISSIONER OHIGASHI: I will be voting,
3 because I believe that this -- the Form of the Order
4 is appropriate. However, I did make my objections
5 known at the last hearing.

6 CHAIRPERSON SCHEUER: So noted for our
7 record. Thank you very much, Commissioner Ohigashi.

8 Are there further discussions on the motion
9 before us?

10 Chair also joins in the statements of
11 Commissioner Wong and Commissioner Ohigashi.

12 If there is no further discussion, Mr.
13 Orodanker, please poll the Commission.

14 EXECUTIVE OFFICER: Thank you, Mr. Chair.

15 The Motion is to Adopt the Order Pohakea
16 Quarry Special Permit.

17 Commissioner Wong?

18 COMMISSIONER WONG: Aye.

19 EXECUTIVE OFFICER: Commissioner Cabral?

20 VICE CHAIR CABRAL: Yes.

21 EXECUTIVE OFFICER: Commissioner Aczon?

22 VICE CHAIR ACZON: Aye.

23 EXECUTIVE OFFICER: Commissioner Chang?

24 COMMISSIONER CHANG: Aye.

25 EXECUTIVE OFFICER: Commissioner Giovanni?

1 COMMISSIONER GIOVANNI: Aye.

2 EXECUTIVE OFFICER: Commissioner Ohigashi?

3 COMMISSIONER OHIGASHI: Aye.

4 EXECUTIVE OFFICER: Commissioner Okuda?

5 COMMISSIONER OKUDA: Yes.

6 EXECUTIVE OFFICER: Chair Scheuer?

7 CHAIRPERSON SCHEUER: Aye.

8 EXECUTIVE OFFICER: Thank you, Mr. Chair.

9 The motion passes unanimously with eight votes.

10 CHAIRPERSON SCHEUER: Thank you very much,
11 Mr. Esmeralda, for your presentations to us; Mr.
12 Hart, OP for your participation on this matter.

13 Mr. Esmeralda, you can leave if you want
14 to.

15 Our next Agenda item is a Discussion of the
16 Election of Officers and Action, if necessary.

17 Commissioners, in most years, not every
18 year, we have an annual discussion with regard to
19 positions of Chair, Vice Chair, as well as Second
20 Vice Chair of the Commission, First Vice Chair and
21 Second Vice Chair.

22 At this time the Commission may choose to
23 elect new officers, or retain the existing slate of
24 officers.

25 And with that, unless there's questions for

1 clarification, I will entertain any discussion and/or
2 nominations with regard to the election of officers.

3 Commissioner Cabral.

4 VICE CHAIR CABRAL: Yes. I want to give my
5 support to you, Jonathan, if you're willing to
6 continue as Chair. I really think you do an
7 excellent job. If somebody else is interested and
8 stepping into it, speak up, but I think you do a
9 really, really excellent job, and I appreciate your
10 efforts, your patience with everyone, including me in
11 that, so I would definitely support you for another
12 term if you're so willing to serve. Thank you.

13 CHAIRPERSON SCHEUER: Thank you very much.
14 I am happy and willing to serve, mainly because it's
15 such a great set of Commissioners.

16 VICE CHAIR CABRAL: I know it's the good
17 pay.

18 CHAIRPERSON SCHEUER: It's also the
19 excellent pay and all the travel benefits over the
20 last year.

21 Commissioners, are there any other
22 nominations for Chair, or for First Vice Chair or
23 Second Vice Chair?

24 COMMISSIONER WONG: Chair.

25 CHAIRPERSON SCHEUER: Commissioner Wong.

1 COMMISSIONER WONG: I would first like to
2 go to the discussion on the Chair.

3 CHAIRPERSON SCHEUER: You would like to do
4 three separate votes? Okay. Is that what you're
5 suggesting?

6 COMMISSIONER WONG: Yes, Chair.

7 CHAIRPERSON SCHEUER: Are there any other
8 nominations for Chair? If there's none, sorry, Dan,
9 procedurally, do we have to take a vote or --

10 Commissioner Okuda followed by Commissioner
11 Ohigashi.

12 COMMISSIONER OKUDA: Thank you, Chair.

13 You know, I'd like to echo what
14 Commissioner Cabral said. And, you know, this is not
15 necessarily we all love Jonathan time, okay, because
16 we have our policy differences on a number of things.
17 But being the Chair, and having personally observed
18 how you have handled being the Chair, I think you
19 bring two qualities which are really important to
20 what we do.

21 The first quality is you demonstrate
22 fairness to everyone. I don't think there's been a
23 complaint by any public participant or frankly, any
24 private party or applicant that you have done
25 anything which any of them believe comes across as

1 unfair. And I really think that that's really
2 important for maintaining, keeping and developing
3 trust of everyone in the State, in the government,
4 you know, entities, and the government process.

5 Getting people to believe in their
6 government and frankly, in democracy, so that's a
7 really important thing. So I think the way you
8 handle people is really important.

9 The second point, which really can't be
10 diminished, is you have a very good way of time
11 management without offending people. And without
12 naming other boards and commissions which I have
13 listened in on, not testified, but listened in on,
14 I've seen, for example, remote hearings handled where
15 when two or three minutes of time passes, they simply
16 cut off the witness. It's like somebody hanging up a
17 phone.

18 And you're able to keep us on a time
19 schedule without people feeling that they're being
20 shortchanged. As one who has unfortunately had to be
21 in court and observe how trial judges manage or
22 sometimes mismanage time, that's an ability which is
23 in very short supply across-the-board in court and
24 out of court. So I think your ability to manage time
25 is really good without offending people.

1 So, you know, if you're not willing to
2 serve until the end of your term, I would still make
3 and pass and support a motion to involuntarily cause
4 you to remain as Chair. So thank you very much.

5 CHAIRPERSON SCHEUER: Thank you very much,
6 Commissioner Okuda. I was trying to figure out how
7 to cut you off and couldn't.

8 It's a little embarrassing. I'm humbled.
9 Commissioner Ohigashi.

10 COMMISSIONER OHIGASHI: I just want to make
11 sure the nominations are filled so we don't have --

12 CHAIRPERSON SCHEUER: Are there any other
13 nominations for Chair? I'm just affirming I am
14 actually quite honored to continue through which
15 would be one more year where I'm no longer able to
16 serve on the Commission.

17 COMMISSIONER OHIGASHI: I would like to
18 start the process of, after having you serve as
19 Chair, I would like to have the process of
20 commissioning a plaque in your honor for the Land Use
21 Commission in Dan Orodener's office, congratulating
22 you as being almost a permanent Chair.

23 EXECUTIVE OFFICER: Is that congratulations
24 or -- (indecipherable).

25 CHAIRPERSON SCHEUER: I think I'm just

1 going to cut off discussion and ask for a vote on
2 this motion, and then we will move on to the critical
3 matter of First and Second Vice Chair.

4 Mr. Orodenker, can you poll the Commission?

5 EXECUTIVE OFFICER: Thank you, Mr. Chair.

6 The motion is to retain Jonathan Likeke Scheuer as
7 Chair for another year.

8 Commissioner Cabral?

9 VICE CHAIR CABRAL: Yes.

10 EXECUTIVE OFFICER: Commissioner Wong?

11 COMMISSIONER WONG: Aye.

12 EXECUTIVE OFFICER: Commissioner Okuda?

13 COMMISSIONER OKUDA: Yes.

14 EXECUTIVE OFFICER: Commissioner Ohigashi?

15 COMMISSIONER OHIGASHI: Yes.

16 EXECUTIVE OFFICER: Commissioner Giovanni?

17 COMMISSIONER GIOVANNI: Aye.

18 EXECUTIVE OFFICER: Commissioner Chang?

19 COMMISSIONER CHANG: Aye.

20 EXECUTIVE OFFICER: Commissioner Aczon?

21 VICE CHAIR ACZON: Yes, for me.

22 EXECUTIVE OFFICER: Chair Scheuer?

23 CHAIRPERSON SCHEUER: Aye.

24 EXECUTIVE OFFICER: Thank you, Mr. Chair.

25 It is my regret to inform you that you have been

1 nominated and retain the Chair for another year.

2 CHAIRPERSON SCHEUER: Thank you very much.
3 My sincere thanks to the Commission for all your hard
4 work.

5 Commissioners, we need a First Vice Chair
6 and a Second Vice Chair. Typically it is not
7 required that the First Vice Chair moves on to become
8 the Chair, and as I noted, I will, as of June 30th,
9 2022, I will have served eight years on the
10 Commission and have to cease my service. So we will
11 need to have a First Vice Chair and a Second Vice
12 Chair.

13 Are there nominations for First Vice Chair?
14 Commissioner Cabral.

15 VICE CHAIR CABRAL: I've been Vice Chair
16 this past year or so. While it's been an honor, I've
17 been most thrilled that I haven't been called upon on
18 too many occasions, although I still hold the record
19 for the shortest meeting ever, even though I talk a
20 lot. And so --

21 But I do want to say that in discussions
22 about Chair and that, I do not want to be the main
23 Chair, because partly I am not good with names, I am
24 partly deaf.

25 And then also with hearing and old age, I

1 really sometimes don't catch names, and I find it
2 very offensive when I slaughter people's names. I
3 try not to, but it's not always -- it's kind of a
4 disability, you know, in the new enlightened world.
5 When I was a kid, just too bad.

6 But anyway, I don't mind being a Vice
7 Chair, Second Vice Chair or something, but I also
8 have no problem not being it. I also have absolutely
9 no problem not being it, because I think we have
10 younger -- in terms of their number of years of
11 service, I think I'm coming up on my eight years too,
12 after you or shortly there, a year of time or
13 something. So I'm more than willing and would
14 suggest that somebody else can even volunteer
15 themselves, you know. I mean, Dan, how about you,
16 you're not too long in the Chair here. You want to
17 be First Vice Chair. Are you willing to do that?

18 CHAIRPERSON SCHEUER: Is that a nomination,
19 Nancy?

20 VICE CHAIR CABRAL: That's a nomination.
21 How's that go, okay?

22 CHAIRPERSON SCHEUER: Dan Giovanni, would
23 you accept the nomination to be First Vice chair?

24 COMMISSIONER GIOVANNI: I love being on
25 this Commission. I didn't know what to expect when I

1 signed up a year or so ago, and I really love working
2 with all of you. And I concur with all the comments
3 made in support of Jonathan's nomination. I mean his
4 leadership as Chair has really educated me on how to
5 run a Commission.

6 I, like many of you, am not seeking a
7 higher office, so to speak, but I am willing to
8 accept Nancy's very gracious nomination. I'll be
9 around for at least three years.

10 Thank you, Nancy.

11 CHAIRPERSON SCHEUER: Commissioner Okuda.

12 COMMISSIONER OKUDA: Thank you, Mr. Chair.
13 Actually Commissioner Cabral cut in line in front of
14 me and deprived me of the ability to nominate
15 Commissioner Giovanni as First Vice Chair.

16 So I don't know if you need to second the
17 nomination.

18 VICE CHAIR CABRAL: Would you like me to
19 withdraw my nomination?

20 COMMISSIONER OKUDA: That's okay. But
21 there are a number of reasons why I think
22 Commissioner Giovanni would be very good as Vice
23 Chair. And not to prejudge anything going in the
24 future, but perhaps to become at a later date the
25 Chair of the Commission. I think one of the things

1 is stability of personality. He frankly has the
2 engineer's personality where even though he's an
3 electrical engineer, I can see him observing a
4 concrete pour over (indecipherable) -- properly being
5 built without the fluff or frankly BS that many times
6 accompanies a lot of these things. So I think number
7 one, he has the stability.

8 Number two, over the time I've personally
9 observed strength of character.

10 Number three, he is no political neophyte
11 either.

12 And four, I think he's demonstrated not
13 only through words and actions, a deep commitment to
14 the people of Hawaii and the resources for which we
15 are charged, not only to protect, but to develop with
16 the eye of self-sufficiency.

17 So looking long range, my own view is I
18 believe Commissioner Giovanni is not only well-suited
19 to be First Vice Chair, but to continue on the work
20 of the Commission as it moves forward. So that's my
21 comment, Chair. Thank you.

22 CHAIRPERSON SCHEUER: Thank you very much,
23 Commissioner Okuda.

24 Are there other nominations for First Vice
25 Chair or comments on the motion, the nomination

1 before us?

2 Commissioner Wong.

3 COMMISSIONER WONG: This will be the only
4 time I can rip him before he becomes First Vice
5 Chair. Vote for him because he's a Giants fan, not
6 going to be disappointed.

7 CHAIRPERSON SCHEUER: I'll just add that I
8 personally have deeply appreciated the insights that
9 Commissioner Giovanni has brought to this, as well as
10 the tenor and heart to discussions, many difficult
11 discussions.

12 I think we have been super well served, so
13 I'm very happy to support Commissioner Giovanni as
14 well.

15 Are there any other nominations?

16 COMMISSIONER WONG: Is this only for First?

17 CHAIRPERSON SCHEUER: First Vice Chair.

18 I'm following, Commissioner Wong, your
19 suggestion that we take three separate motions.

20 Anything further?

21 Before he can back out, Mr. Orodener,
22 would you please poll the Commission?

23 EXECUTIVE OFFICER: Thank you, Mr. Chair.
24 The motion is to nominate Commissioner Giovanni for
25 First Vice Chair.

1 Commissioner Cabral?

2 VICE CHAIR CABRAL: Yes.

3 EXECUTIVE OFFICER: Commissioner Okuda?

4 COMMISSIONER OKUDA: Yes.

5 EXECUTIVE OFFICER: Commissioner Ohigashi?

6 COMMISSIONER OHIGASHI: Yes.

7 EXECUTIVE OFFICER: Commissioner Chang?

8 COMMISSIONER CHANG: Yes.

9 EXECUTIVE OFFICER: Commissioner Aczon?

10 VICE CHAIR ACZON: Yes.

11 EXECUTIVE OFFICER: Commissioner Wong?

12 COMMISSIONER WONG: Aye.

13 EXECUTIVE OFFICER: Commissioner Giovanni?

14 COMMISSIONER GIOVANNI: Go Giants, yeah.

15 Thank you.

16 EXECUTIVE OFFICER: Chair Scheuer?

17 CHAIRPERSON SCHEUER: Aye.

18 EXECUTIVE OFFICER: Thank you, Mr. Chair,
19 the motion passes unanimously.

20 CHAIRPERSON SCHEUER: We also may have --
21 we're not required to have -- but may have, and
22 usually do have a Second Vice Chair who does on
23 occasion step in when both the Chair and the Vice
24 Chair can't.

25 Commissioner Okuda.

1 COMMISSIONER OKUDA: Thank you, Mr. Chair.
2 I would like to recommend the reelection of
3 Commissioner Aczon, and I can state my reasons now if
4 you would like me to.

5 CHAIRPERSON SCHEUER: Please, go for it.

6 COMMISSIONER OKUDA: Okay, thank you.

7 Okay, look, there's not going to be a
8 designated survivor situation here like the movies,
9 and I don't think anything is going to happen during
10 the upcoming year to you, Chair, or to Commissioner
11 Giovanni as Vice Chair, but in the event that either
12 or both of you are not available, if Commissioner
13 Aczon is willing to continue taking a little bit more
14 burden. He has served as the Chair of the Land Use
15 Commission.

16 He has extensive experience in the private
17 sector, both when he was a contractor, and also in
18 his position, which is somewhat affiliated with a
19 union. And so he has broad experience, not only in
20 government, but actually in private industry.

21 And so I believe, if he's willing to
22 continue the hassle of having to be called on when
23 necessary, he would be a great addition to the
24 leadership team, because I believe, given
25 Commissioner Aczon's decades of experience in the

1 community, it adds something also to the leadership
2 of the Land Use Commission.

3 So I would nominate and suggest and urge
4 Commissioner Aczon if he's willing to continue on,
5 thank you.

6 CHAIRPERSON SCHEUER: Is Commissioner Aczon
7 willing?

8 VICE CHAIR ACZON: Thank you, Commissioner
9 Okuda. I'm very humbled by your nomination. I'm
10 happy to help the Chair for this coming last year of
11 our service, but with Commissioner Okuda's line of
12 thinking of future, long range, I believe I'm willing
13 to step aside if Commissioner Ohigashi is willing to
14 come in, because I believe he has more years to serve
15 on the Commission, like what Commissioner Okuda said,
16 trying to create new leadership for the Commission as
17 long-range plan.

18 So, again, I'll be happy to help the Chair,
19 but if Commissioner Ohigashi is willing to step in,
20 I'm willing to step aside.

21 CHAIRPERSON SCHEUER: Thank you,
22 Commissioner.

23 Commissioner Ohigashi.

24 COMMISSIONER OHIGASHI: I'm going to go for
25 Edmund, because when he was Chairman, he was Chairman

1 when I first arrived, he did a fantastic job. I'm
2 going to enjoy him very much. And as far as your
3 request for me to sit there, I refuse that, because
4 I'm having too much fun doing what I am now, and I
5 don't seek any leadership position in most things
6 that I do.

7 The last thing I want to say is that I
8 think that you would be a good fill-in. You can be a
9 good mentor, help out the Commission, insights are
10 spot-on, and I won't feel bad because I don't want
11 the job.

12 CHAIRPERSON SCHEUER: I will add that
13 Commissioner Aczon as Chair, and then followed by
14 Commissioner Wong as Chair, both helped to mentor me
15 and have been of incredible service and continue to
16 be of incredible service. So I'm very happy with
17 this as well.

18 Are there any further nominations or
19 comments? Seeing none, Mr. Orodener.

20 EXECUTIVE OFFICER: Thank you Mr. Chair.

21 The motion is to retain Commissioner Aczon
22 as Second Vice Chair.

23 Commissioner Okuda?

24 COMMISSIONER OKUDA: Yes.

25 EXECUTIVE OFFICER: Commissioner Wong?

1 COMMISSIONER WONG: Yes.

2 EXECUTIVE OFFICER: Commissioner Ohigashi?

3 COMMISSIONER OHIGASHI: Yes.

4 EXECUTIVE OFFICER: Commissioner Giovanni?

5 COMMISSIONER GIOVANNI: Aye.

6 EXECUTIVE OFFICER: Commissioner Chang?

7 COMMISSIONER CHANG: Yes.

8 EXECUTIVE OFFICER: Commissioner Cabral?

9 VICE CHAIR CABRAL: Yes.

10 EXECUTIVE OFFICER: Commissioner Aczon?

11 VICE CHAIR ACZON: Yes.

12 CHAIRPERSON SCHEUER: Chair Scheuer?

13 CHAIRPERSON SCHEUER: Aye.

14 EXECUTIVE OFFICER: Thank you, Mr. Chair.

15 The motion passes with eight affirmative votes.

16 CHAIRPERSON SCHEUER: Thank you. I will
17 take -- Commissioner Chang.

18 COMMISSIONER CHANG: I wanted to thank all
19 of you who are choosing to serve. I really
20 appreciate it.

21 Jonathan, especially your leadership, you
22 have the transparency, I think you've elevated Land
23 Use Commission to a very credible commission, and I
24 appreciate the respect that everyone on the
25 Commission has for one another.

1 I have been counsel to many boards and
2 commissions, but this has been one that every
3 Commissioner has taken its role extremely seriously,
4 the kuleana that we have all taken, and all of us
5 bring something to the table.

6 And I've appreciated the humor. The back
7 and forth between Commissioner Wong and Giovanni and
8 Cabral. It really, you know, provides some levity to
9 some seriousness of the matters that we have before
10 us.

11 But it gives me great confidence that the
12 decisions we are making today, I am confident that in
13 20 years I don't think we will have the same level of
14 angst that some of the decisions that we are
15 inherited, so I've really appreciated all of you.
16 And I particularly appreciated those of you who have
17 been willing to take the leadership.

18 Thank you very much. Mahalo to all of you.
19 And I look forward to the continued leadership team.
20 And the staff of Land Use Commission is unbelievable.

21 Thank you to the AG's office as well for
22 their support. Mahalo, thank you.

23 CHAIRPERSON SCHEUER: Thank you,
24 Commissioner Chang.

25 Commissioner Cabral. I'm going to be a bad

1 Chair and talk about you before calling on you.

2 I just want to recognize you for your
3 multiple years of service as First Vice Chair, not
4 only did you ably step in to leadership, but I don't
5 know how you do it while running a massive business
6 through the pandemic, and with grace, humor and
7 style. I think we are all very grateful to you for
8 everything you've done in your role.

9 I'm now calling on you.

10 VICE CHAIR CABRAL: Thank you for that too.
11 I think that's part of it. Once you're a member of
12 the team, you step up when asked and do the best you
13 can.

14 And clearly, Jonathan, you've done an
15 excellent job, and it's been a pleasure to help where
16 I can.

17 And I do agree giving some humor to it,
18 which I'm sometimes able to do, and help lighten the
19 load, because it's really critically important. I
20 look at my island and these massive subdivisions with
21 tiny little nothing roads, and go, wow, that was a
22 mistake.

23 I mean some of those took place before LUC
24 was around, but I can see how those decisions
25 massively changed entire communities forever. And

1 you know, it wasn't really well thought out when you
2 have subdivisions of 10,000 lots with one service
3 road and a volcano above them, it's not a good idea.

4 But anyway, I want to just say, I wanted to
5 be sure to thank Jean McManus, who we have all gotten
6 to treasure and love too, and she's definitely been
7 just a miracle worker, in my opinion, that she can
8 understand what's said and make sense of it, and I'm
9 unhappy. Apparently, we are not going to have a live
10 secretary moving into the future, and I think that
11 that's unfortunate, especially if we have to travel
12 again, I want to say a shout out to Jean for the
13 great job she's done tolerating all of us.

14 So appreciate all of that, and everybody
15 here. And also, Jonathan, if you are up in 2022, I
16 think my eight years is up shortly thereafter. I'm
17 trying to -- getting old, it's hard to think back how
18 long ago, but we're going to, however this happens
19 with our legislatures, need to start finding some new
20 blood and that, especially when it needs to come from
21 specific islands, like mine and stuff. Because I
22 think my year is coming up shortly after yours or the
23 year after.

24 So we definitely need to get our people on
25 it, because we see, and we've had Aaron Mahi's

1 position empty. And that, I'm sure, for our staff,
2 is really critical in trying to make sure we have a
3 quorum for these meetings.

4 Anyway, God bless it to the staff and
5 everybody at LUC and Dan and Scott and Riley and
6 Natasha and stuff. They do a fantastic job. So I
7 just want to put kudos out to everybody and thank
8 everybody on the Commission.

9 You guys are fantastic people. We
10 sometimes disagree, but we can always do it with
11 support. That's important. Thank you.

12 CHAIRPERSON SCHEUER: Thank you,
13 Commissioner Cabral.

14 Any further discussion on this Agenda item,
15 Commissioners? If not, Commissioner Giovanni.

16 COMMISSIONER GIOVANNI: Just to follow on
17 Commissioner Cabral's comment. Is there anything we
18 can do to move along and urge the filling of the
19 ninth vacant Commissioner's slot?

20 CHAIRPERSON SCHEUER: At the earlier urging
21 of this Commission, Commissioner -- excuse me --
22 Executive Officer Orodenker and I contacted the
23 Governor's office multiple times.

24 We've contacted the heads of boards of
25 commissions, attempted to get direct communication

1 with the Governor on this matter, urged the
2 importance of filling that seat. We have been
3 unsuccessful.

4 COMMISSIONER GIOVANNI: We will keep
5 pushing.

6 CHAIRPERSON SCHEUER: Yeah, we will keep
7 pushing. We certainly will.

8 Finding somebody with the breadth, required
9 expertise, as stated in the law, and willing to serve
10 is always a challenge, but I think there's people out
11 there.

12 Commissioner Ohigashi.

13 COMMISSIONER OHIGASHI: I hope that the
14 Governor fills it before my termination. That's my
15 only comment.

16 I take back what I said about not wanting
17 to serve. I'll be treasurer.

18 CHAIRPERSON SCHEUER: We don't have a
19 position of treasurer or curator of the Chair's
20 whiskey collection.

21 Anything further, Commissioners? If not,
22 our last Agenda item, Agenda item VI is an Executive
23 Session pursuant to HRS section 92-5(a)(2) to
24 consider personal matters where considerations of
25 matters affecting privacy will be involved,

1 specifically it's the annual evaluation, beginning
2 the process of the annual evaluation of our Executive
3 officer.

4 Is there a motion to go into Executive
5 Session?

6 Commissioner Cabral.

7 VICE CHAIR CABRAL: So move to go into
8 Executive Session for evaluation of our Executive
9 Director. Thank you.

10 CHAIRPERSON SCHEUER: Commissioner Wong.

11 COMMISSIONER WONG: Second.

12 CHAIRPERSON SCHEUER: All in favor?

13 I see all in favor. Anyone opposed?

14 I just want to procedurally check, since
15 this is the very last item on our Agenda. Do we have
16 to come back into this meeting before --

17 MS. CHOW: Yes, you do.

18 CHAIRPERSON SCHEUER: Thank you, Ms. Chow.

19 So, Commissioners, leave this meeting,
20 follow the ZOOM link sent earlier by Scott
21 Derrickson. When we go from there, we will make a
22 brief appearance back in here, probably to an empty
23 room, to say we are getting out of session. We can
24 release the court reporter.

25 (The proceedings adjourned at 10:25 a.m.)

CERTIFICATE

1 STATE OF HAWAII)
2) SS.
3 COUNTY OF HONOLULU)

4 I, JEAN MARIE McMANUS, do hereby certify:

5 That on June 22, 2021, at 9:02 a.m., the
6 proceedings contained herein was taken down by me in
7 machine shorthand and was thereafter reduced to
8 typewriting under my supervision; that the foregoing
9 represents, to the best of my ability, a true and
10 correct copy of the proceedings had in the foregoing
11 matter.

12 I further certify that I am not of counsel for
13 any of the parties hereto, nor in any way interested
14 in the outcome of the cause named in this caption.

15 Dated this 22nd day of June, 2021, in Honolulu,
16 Hawaii.

17
18
19 /s/ Jean Marie McManus
20 JEAN MARIE McMANUS, CSR #156
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